



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

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EX PARTE

By Electronic Mail and ECFS

October 27, 2008

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Notice of Ex Parte - *In the Matter of Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92; *In the Matter of Universal Service Contribution Methodology*, WC Docket No. 06-122; *In the Matter of IP-Enabled Services*, WC Docket No. 04-36; *In the Matter of the Federal-State Joint Board on Universal Service*, CC Docket No. 96-45

Dear Ms. Dortch:

On Friday, October 24, 2008, MA Department of Telecommunications and Cable ("MDTC") Commissioner Sharon Gillett, and MDTC staff - General Counsel Geoffrey Why and Competition Division Counsel Kerri J. DeYoung - held a telephone conversation with Commissioner Jonathan Adelstein to discuss Chairman Martin's draft ICC/USF reform plan and the MDTC's concerns with the plan. Commissioner Gillett expressed to Commissioner Adelstein the MDTC's concerns, which were generally set forth in the New England Conference of Public Utilities Commissioners' October 17, 2008, filing in the above-referenced proceedings. In particular, Commissioner Gillett expressed that the MDTC is pro-reform and that, while the MDTC would like to analyze and comment on the plan's implications in Massachusetts, the plan's lack of disclosure to the public makes it difficult to do so. Commissioner Gillett referenced the National Association of Regulatory Utility Commissioners ("NARUC") October 21, 2008, Ex Parte Motion Seeking a FNPRM on the Pending Order, and expressed her support of such a Motion.¹ Commissioner Gillett further expressed her concern that Chairman Martin's

¹ NARUC Motion/Request for Public Comment on Recently Circulated "Report and Order, Order on Remand, and Further Notice of Proposed Rulemaking" on Universal Service and Intercarrier Compensation Reform, filed in

plan would preempt state authority over fixed VoIP services and discussed the subsequent effects that such preemption would have in Massachusetts and on Massachusetts consumers. Finally, Commissioner Gillett expressed her concern that Chairman Martin's plan did not sufficiently respond to broadband deployment problems and could negatively impact recent Massachusetts broadband initiatives.

Commissioner Gillett directed Commissioner Adelstein's attention to the recent broadband bill signed into law by Massachusetts Governor Deval Patrick, the goal of which is to create public-private partnerships to bring broadband to all un-served communities within Massachusetts.² Commissioner Gillett also expressed her support of a broadband plan comparable to that included in the Recommended Decision of the Federal-State Joint Board on Universal Service released in 2007,³ with the further recommendation that broadband funding should not be limited solely to telecommunications carriers.

Pursuant to the Commission's rules, this notice is being filed electronically in the above-referenced dockets for inclusion in the public record. Please contact me directly should you have any questions.

Respectfully submitted,

/s/

Geoffrey Why, General Counsel
Massachusetts Dept. of
Telecommunications and Cable

Cc: Commissioner Jonathan Adelstein, by electronic mail
Scott Bergmann, by electronic mail

Dockets *In the Matter of Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, *In the Matter of Petition of AT&T Inc. for Interim Declaratory Ruling and Limited Waivers Regarding Access Charges and the ESP Exemption*, CC Docket No. 08-152, *In the Matter of IP-Enabled Services*, WC Docket No. 04-36, *In the Matter of Universal Service Contribution Methodology*, WC Docket No. 06-122, *In the Matter of Petition for Declaratory Ruling Filed by CTIA*, WT Docket No. 05-194, and *In the Matter of Jurisdictional Separations & Referral to the Federal-State Joint Board*, CC Docket No. 80-286, on October 21, 2008.

² See Article entitled "Governor Deval Patrick Signs Broadband Access Law - New Broadband Institute will create public-private partnerships to bring broadband to all un-served communities," released August 4, 2008, available at http://www.mass.gov/?pageID=ocapressrelease&L=4&L0=Home&L1=Government&L2=Our+Agencies+and+Divisions&L3=Department+of+Telecommunications+and+Cable&sid=Eoca&b=pressrelease&f=080804_broadband&csid=Eoca.

³ Federal-State Joint Board on Universal Service Recommended Decision, filed in Dockets *In the Matter of High-Cost Universal Service Support*, WC Docket No. 05-337, and *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, released November 20, 2007, available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-07J-4A1.pdf.